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UNITED STATES DISTRICT COURT

STATE OF OREGON

EUGENE DIVISION

: James-Brent: Alvarez.

Case No. 6:19-cv-01071-AA

Plaintiff,

**PLAINTIFF'S AFFIDAVIT
AND ATTACHED EVIDENCE**

v.

Luke Sitts, et al.

Defendants.

I, James-Brent: Bond, declare that I am the Plaintiff in this proceeding, and that the facts and circumstances to which I would testify regarding Case No. 18VI85351 are as follows:

1. May 5, 2018, I was detained on a private street that I lived on, and was less than half a mile from my house by an Oregon State Police Trooper—ID No. 41611.
2. I refused to ID myself by providing a license—Title of Nobility for the right to travel—and was arrested, placed into handcuffs, and the backseat of a squad car for about 45 minutes, and then an OSP supervisor arrived and released me from arrest. I was issued two traffic citations: (1) three civil infractions for speeding, no operator's license, and failure to register vehicle; (2) one criminal charge for failure to carry operator's license. Note: The criminal charge magically disappeared before the first appearance.
3. The officer and her supervisor tried to make a deal by contract with me. They told me they would drop the traffic complaints if I agreed to go get a license and put a plate on my automobile. I told them they violated my rights and I want to go to court.

4. June 12, 2018, my first appearance came—pre-trial traffic court hearing—and I motioned for dismissal for failure to state a claim for which relief can be granted.
5. The Court asked me if I would like to give the officer more time to respond to my letter, before I move for dismissal.
6. I had sent a letter out to the officer to provide proof of claim. The officer never responded, but the officer did have seven days left by contract to provide me with the proof of her claim. So, I agreed to come back for a second-first appearance.
7. My second-first appearance came without any proof of a verified claim for jurisdiction as I asked in my letter. I filed in the record a Brady Request by Motion for Discovery, and Motion to Strike for failure to state a claim.
8. July 10, 2018, the Court ignored my jurisdiction challenge and agreement for a second-first appearance, and *entered a plea* of not guilty for me *from the bench*. Thereby, I had the record reflect that the Court entered a not guilty verdict for the defendant and moved for dismissal. The Court turned my pre-trial hearing into an oral-motion's hearing *without jurisdiction* by a verified complaint on the record, and *rushed the case to trial*.
9. August 7, 2018, the day of traffic court, I entered a Motion to Strike for Lack of Ratification of Commencement. While waiting in the hall for the Court to open. I saw the officer was given the pleadings filed into the record by the Clerks and was visibly shaken, after reading through them.
10. My sources provided me with intel the officer was fresh out of the academy. The officer confirmed this for me as we stuck up a conversation before trial. I explained to the officer I was just as nervous. I had never done anything like this before, and more than anything I didn't want to lose. So, I reached an agreement with the OSP officer to get a license in case the judge didn't rule in my favor. I also, agreed not to sue because I knew she was new to the police force and didn't want to put a mark on her career.
11. The Honorable Judge Charles M. Zennache entered the Court and called my case first. He said and I quote, “Mr. Alvarez, I received your Motion for Dismissal this morning, and your motion for dismissal is Granted.” I have four witnesses (not including the OSP Trooper) who will testify under oath that this is the Court’s exact words, as they were present in the courtroom when this event took place.
12. The officer then spoke up and told the Court I had made an agreement to get my license. The Court asked me if this is what I wanted to do. I had made my point, and gotten the results I wanted, so I told the Court I would honor the agreement I had made with the officer, and I would go get a license. The judge said, “Okay, you got x-amount of days to get a license. You don’t have to come back to court. Case dismissed.”

13. Immediately, I received my driving permit for passing the written test, and was given a number to call to schedule an appointment for the driving test. I was told the state changed the procedure for scheduling driving tests and it was handled by one coordinator out of Salem.
14. When I contacted the state's lone coordinator to schedule a driving test, because it was September, and the beginning of the school year, it was months before I could get a driving test. Thereby, I couldn't fulfill my obligation of contract. I told the officer this, as I had access to the officer by text message on a work phone the officer carried. The officer said she would take care of it.
15. September 14, 2018, I received the judgement for *all traffic charges dismissed* by Charles M. Zennache. See attached copy.
16. September 17, 2018, I received notice of a scheduled traffic trial. The officer text me and said she had received a notice of a scheduled Court appearance too. We didn't understand. The officer said she would look into it. I never heard back, and I didn't appear.
17. After the previous court date came and went. Within a few weeks, I received another notice for a scheduled traffic trial set for October 22, 2018, if memory serves me correctly. I may be off a day or two on this date.
18. October 22, 2018, the day of the third traffic trial. The officer and I went up to the counter to speak with a clerk of the court. The clerk told the officer in my presence that the judge is dismissing the case with prejudice.
19. The officer then proceeded to ask about another case she had that morning. After the officer was finished with her inquiries. I told her was leaving since the judge is dismissing the case, and she said, "okay, have a good day." And I offered her the same.
20. About an hour later, I received a text message from the officer that the judge had entered a default judgment of guilty against me, for not attending the hearing. The officer said she was sorry and that she tried to get him to change his mind. I said thank you for letting me know. Be safe, have a good day. I kept my word. I didn't sue.
21. I paid nearly 200 US dollars for a transcript from the Court, and was very surprised to say the least, that the transcript did not reflect what was said in the record. It had been altered, or said to have been inaudible at key moments of the hearings. I was blown away at this corruption, and immediately filed for an audio copy to follow along with written transcript. No reply was ever given.

22. I filed an appeal with nothing but my pleadings in the record as evidence. The state took 6 months to file an answering brief that I didn't receive until late September 2019. I did not reply because: (1) by this time, I had become involved with the current case before this Court, and turned all my attention to litigating this case; (2) until today—May 22nd, 2020—I had not read and comprehended what the appellate court said. It is my intention to finish litigating that case in due time.
23. Defendant's seek to use the 2018 case against me by the appellant court's ruling. However, the appellant court's ruling states that I didn't provide a cognizable theory to have relief from a default judgement for not appearing at trial. The appellant court's ruling doesn't support the defendant's claims that I do not have a right to travel.
24. I have been followed on the public ways while traveling in my automobile with no plates over the last two years by Eugene Police, Lane County Sheriff's, and Oregon State Police, and each time they let me go continue about my private affairs, by driving off without pulling me over. More importantly, there has been no infringement of my right to travel by these departments since the date of June 14, 2018, and this is true still today. However, for some reason the UOPD and its officers on January 15, 2019 chose to violate my unalienable liberties and constitutional rights with extreme prejudice and deadly weapons.
25. In sum, even the Honorable Judge Charles M. Zennache of the Lane County Circuit Court understood that I—We the People—have a right to travel pursuant to my contracted rights of the United States Constitution, and, if had I walked upstairs with the officer at the third hearing, I would have saved myself 600 dollars, and not had default judgement entered against me. Furthermore, the Defendants' wouldn't be attempting to use the case against me as evidence that I don't have a right to travel, when clearly, the Circuit Court recognized my right to travel. I simply made an expensive procedural error.

I, the plaintiff, hereby declare that the above statements are true to the best of my knowledge and belief, and further, that I understand these statements are made for use as evidence in Court, and are subject to penalty for perjury.

Autograph: s/: James-Brent: Alvarez.
[t]he Plaintiff: James-Brent: Alvarez.
Postmaster: RA535207145US
Date: 22, May 2020.

CERTIFICATE OF SERVICE

I hereby certify that on the date scribed below a copy of the foregoing Plaintiff's Objection and Motion for Performance of Contract was served by email, as agreed upon during the Covid-19 pandemic, and, was served on:

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Luke Sitts, et al.

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Date: 22, May 2020.